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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Consideration of reports submitted by States parties under article 73 of the Convention pursuant to the simplified reporting procedure

Second periodic reports of States parties due in 2011

Sri Lanka*, **

[Date received: 3 May 2016]

* The present document is being issued without formal editing.
** The annexes may be consulted in the files of the secretariat.

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I. General Information

1. Please provide disaggregated statistical data and information on migration flows and their characteristics. Please also provide statistical data or, if precise data is not available, data based on studies or estimates, with regard to migrant workers in an irregular situation.

1. Sri Lanka Bureau of Foreign Employment (SLBFE), which comes under the purview of the Ministry of Foreign Employment, is the sole State institution that is responsible for Contract Labour Migration taking place in Sri Lanka as a manpower sending country. The SLBFE was established under the Act of Parliament No. 21 of 1985 and as per the provisions of the Act, all Sri Lankans who migrate overseas for employment purposes must register with the SLBFE prior to their departure. The Act was subsequently amended by Act No. 4 of 1994 and Act No. 56 of 2009.

2. Accordingly, the following disaggregated statistics can be provided in respect of registration data collected by the Sri Lanka Bureau of Foreign Employment.

Statistics on registrations for foreign employment by year - 2010-2015

3. Attachment 01.

Registered departures for foreign employment by Manpower Level & Sex

4. 2013 Attachment 02.

5. 2014 Attachment 03.

6. 2015 Attachment 04.

2. In the light of the concerns and recommendations issued by the Committee (CMW/C/LKA/CO/1, para. 22), please indicate the progress made by the State party in developing a harmonized mechanism for gathering, processing and analysing disaggregated data on foreign migrant workers in Sri Lanka, and, in improving data collection, including through studies and estimates, on Sri Lankan migrants abroad in irregular situations.

7. Sri Lanka, increasingly becoming a labour and migrant receiving country, has been working in close partnership with the stakeholders of Migrant Workers. It collects rich data through its Immigration Border System which enables it to properly account for the migration outflows and also to follow up on their status throughout the cycle of migration.

8. Sri Lanka has set up an Employment Migration Authority Act to regulate the foreign employment sector. This Act replaces both the Sri Lankan Bureau of Foreign Employment Act and the Immigration Act which lacked a body to regulate foreign migrant workers in Sri Lanka.

3. Please provide information on the implementation of the 2008 National Labour Migration Policy, including its budget, coordination, monitoring and evaluation processes, as well as its impact on the rights of migrant workers, including foreign migrant workers, and their families (CMW/C/LKA/CO/1, para. 7). Please elaborate on the factors and difficulties, if any, affecting the implementation of this policy.

9. The National Policy on Labour Migration has already been incorporated into the Corporate Plan of the SLBFE.

10. Accordingly, three main policy components- Governance of labour migration, protection & empowerment of migrant workers and development aspects of labour

migration have been detailed into several objectives and tasks in the Annual Action Plan of the SLBFE. The implementation of the National Migration Policy is monitored and evaluated by the National Advisory Committee on Labour Migration chaired by the Minister in charge of Foreign Employment and this committee comprises all the stakeholders relevant to the labour migration in Sri Lanka such as government institutions, international organizations, NGOs, recruitment agents, academia, civil societies and trade unions. Special projects based on the recommendations of the National Policy are being implemented with the technical assistance of the International Labour Organization (ILO), and evaluated and monitored by a Project Advisory Committee headed by the Secretary of the Ministry of Foreign Employment.

11. The financing of the implementation of the National Plan is done through the SLBFE funds with the assistance of the ILO for special projects. Therefore, no difficulties encountered up to now in the process of implementation of the National Policy.

12. The National Migration Policy (NMP) emphasizes the need to strengthen the services offered by the Labour Section of Sri Lankan Diplomatic Missions abroad, especially, to handle grievances and work towards the protection and welfare of the migrant workers.

13. Therefore, the SLBFE along with the assistance of ILO has developed and introduced an operational manual with guidelines and procedures for each activity of the Mission with necessary forms. As pointed out in the NMP, a Code of Ethical Conduct has been developed for recruitment agencies and actions have been taken to make the recruitment agencies aware of the same for its implementation. A return and re-integration sub policy has been introduced for its implementation, and it has been included in the 2016 Action Plan of the SLBFE.

14. Further, steps have been taken by the Ministry to review the National Policy with the technical expertise of the ILO. This information guide was published to provide accurate and up-to-date information on different stages of labour migration and make such information available at local levels, to minimize the many risks faced by migrant workers and their families in the labour migration process.

4. Please clarify what progress has been made with regard to harmonizing the State party's legislation with the provisions of the Convention (CMW/C/LKA/CO/1, para. 14). Please also indicate whether the Convention has been invoked in the courts or before the administrative authorities of the State party and provide examples, if any.

15. No information is available which indicates the convention has been involved in the Court or before the administrative authority of the state. However, the administrative authority of the state in taking efforts to implement activities benefiting the migrant workers are guided by the provisions of the Convention, and the Sri Lankan Law is to a great extent in such situations applied, having regard to the provisions of the Convention.

5. Please indicate any steps taken towards making the declarations provided for in articles 76 and 77 of the Convention, recognizing the competence of the Committee to receive communications from States parties and individuals (CMW/C/LKA/CO/1, para. 16). Please also explain whether the State party has taken any steps towards ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, as recommended by the Committee in its previous concluding observations (CMW/C/LKA/CO/1, paras. 19-20), and ILO Convention No. 189 (2011) concerning decent work for domestic workers.

16. Sri Lanka ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in June 2015 and the "SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution.

17. The Penal Code of Sri Lanka was amended in a move to bring the national anti-human trafficking laws in line with international laws. The amended Act No. 16 of 2006 formulated a comprehensive definition of human trafficking as set out in section 360 (c). National Anti-Human Trafficking Task Force led by the Ministry of Justice was established in 2010 and it functions as the national coordinating body to advice and monitor activities to be implemented in combating human trafficking in Sri Lanka.

18. The Task Force aims to strengthen the co-ordination among key government stakeholders to increase prosecutions, and to improve the identification and protection of victims. The Task Force consists of 22 representatives from government institutions which were recognized responsible in addressing human trafficking in the country.

6. **Please inform the Committee of the mechanisms put in place by the State party to consult and involve migrants, migrant rights groups and other relevant NGOs in the design and implementation of policies on migration. In this regard, please also indicate whether migrant rights groups are represented on the Board of Directors of the Sri Lanka Bureau of Foreign Employment (SLBFE) and if not, please describe how the State party ensures that their voices are adequately represented in the SLBFE. Please also indicate whether the State party involved NGOs in the preparation of the replies to the present list of issues.**

19. The Board of Director of the SLBFE has been appointed as per the Section 5 of the SLBFE Act No. 21 of 1985 and it represents a member from the Ministry of Finance, Ministry of Foreign Affairs and Ministry of Women and Child Affairs and four members from licensed recruitment agencies and another four appointed by the subject Minister.

20. Since the National Advisory Committee on Labour Migration comprises all key stakeholders including NGOs, voice of the migrant workers is adequately represented at decision & policy making level.

II. Information relating to each of the articles of the Convention

A. General Principles

Article 7, 37 and 83

7. **In light of the recommendations issued by the Committee (CMW/C/LKA/CO/1, para. 26), please provide updated information on the measures taken, including proposed and adopted constitutional and legislative amendments, to guarantee migrant workers and members of their families protection from discrimination, in accordance with article 7 of the Convention.**

21. The state makes every possible effort to protect the migrant workers and their family members from discrimination. Special welfare measures have been implemented through the SLBFE Budget for the well-being of migrant workers and their family members such as educational scholarships for the children, school materials for needy children, vocational training scholarships for school leavers and low interest loan facilities for housing and self-employment through State banks etc.

Table 1
Scholarships granted for children of migrant workers, 2010-2015

Year	*Number of Scholarships*	*Total value of Scholarships granted (Rs.)*
2010	1,579	30,060,000.00
2011	1,821	34,095,000.00
2012	2,720	52,505,000.00
2013	2,296	44,045,000.00
2014	2,147	40,530,000.00
2015	3,351	61,040,000.00
Total	**13,914**	**262,275,000.00**

Source: SLBFE.

Table 2
Scholarships granted for children of migrant workers by category, 2015

Category	*No. of Scholarships*	*Value of one scholarship*	*Total value of scholarships granted (Rs.)*
Grade 05 Scholarship Examination	1,748	15,000	26,220,000.00
Ordinary Level Examination (O/L)	1,327	20,000	26,540,000.00
Advance Level Examination (A/L) – students who have entered local universities	276	30,000	8,280,000.00
Total	**3,351**	-	**61,040,000.00**

Source: SLBFE.

22. The table-1 given below showcases the number of scholarships granted to their children from 2010 to 2015 and the category of student community is clearly shown in the table 2. The children avail of better education facilities in addition to the free education system.

23. During the compulsory pre-departure training, a special day has been earmarked as Family Day to make the spouses of the migrant workers aware of positive & negative impacts of labour migration. This awareness is continuously fed to them by conducting programmes at the grass root level on safe migration with the help of ILO, IOM and NGOs working for the migrant workers.

24. Special programmes are conducted by Migration Development Officers appointed by the Ministry of Foreign Employment to each Divisional Secretariat (DS) Division of the country to provide better services to the families of migrant workers. Three Migration Development officers are appointed to each DS Division and are especially trained to prepare a social profile of each family of migrant workers.

25. A National Action Plan on Return and Reintegration of Migrant workers has already been endorsed by the Ministry and will be implemented to cover economic, social and psycho-social needs of the returning migrant workers and their families.

26. The SLBFE Act No. 21 of 1985 was amended by the SLBFE amendment Act No. 56 of 2009 where the section 14 in the original Act was amended to ensure better protection for migrant workers. In addition, a process has already been started by the Ministry of Foreign Employment to revise the existing legislation on labour migration, the

SLBFE Act No. 21 of 1985 in line with the International Conventions and the recent developments in migration management.

8. **Please provide detailed information on the roles of the Sri Lankan embassies, consulates and labour attachés in supporting and assisting migrant workers and their families abroad alleging abuse, especially women domestic workers in the Middle East, including through the provision of appropriate shelter, legal assistance, recovery of unpaid wages and other support services. Please also provide information on the legal and other measures taken to ensure that the Sri Lankan diplomatic and consular staff abroad are adequately trained on laws and procedures of the countries of employment of Sri Lankan migrant workers.**

27. Sri Lanka maintains Labour Section in 16 Sri Lankan Diplomatic Missions in 14 major destinations for Sri Lankan contract workers. A Counselor/First Secretary is deployed in the Labour Section as the Head with essential subordinate staff including clerks, safe house keepers, welfare assistants, translators, public relation officers, drivers, messengers etc. There are about 121 staff working at present on welfare and protection of Sri Lankan migrant workers. The Missions provide support for migrant workers and their families alleging abuse, especially women domestic workers. For instance, the Bahrain Mission in association with government of Bahrain's apex authorities provides appropriate shelter, legal assistance, recovery of unpaid wages and other supportive services.

28. In Bahrain, migrant workers have access to call 24/7 call center in their own languages if they are abused or exploited in their working places. Also, victims of abuse referred to the Government's primary shelter and provide protection. The Bahraini Law prohibits sexual harassment and stipulates penalties of imprisonment and fine if convicted.

29. There are 8 safe houses for runaway female domestic workers. The female domestic workers are the frequent returnees from work places due to various reasons. There are about 500 inmates available in all safe houses maintained by the SLBFE at a given time. Cost of food, medicine, shelter and necessary items are also provided to the safe house inmates in addition to repatriation cost, legal and other support services. The total costs related to the safe houses, repatriation, medical and legal assistance are borne by the Worker Welfare Fund established for these welfare measures.

30. In the Sri Lankan Embassy in Qatar, runaway maids of illegal sponsors are also facilitated and the maids who have not got the SLBFE registration prior to their departure from Sri Lanka are considered case by case.

31. All the returnees to the safe house are documented and their statements are recorded from them at the time of arrival. The safe house accepts returnees at any time.

- No. of air tickets provided for repatriation of workers:
    - 2013: Attachment 05 (*Source*: SLBFE)
    - 2014: Attachment 05 (*Source*: SLBFE)

32. In Qatar, rights of the domestic workers are not covered with the Qatar Labour Law. So, any labour disputes are handled by the Sri Lankan Embassy, their recruitment agents in Qatar, SLBFE or NoK. Or else, they can contact their nearest police station via phone. In case of unpaid wages, sponsors or recruitment agencies in Qatar are asked to settle their wage issues. If not successful, particular Sri Lankan agent is requested to settle the dues with the negotiation of their foreign counter parts.

33. All the staff deployed to the Labour Section of Sri Lankan Diplomatic Missions are given at least one month or more compulsory training on host country laws, protocols, complain, dispute handling, financial and administrative regulations and counseling for

migrant workers prior to their departure. Experienced personnel such as former Ambassadors and former Labour Counselors who had worked in Sri Lankan Missions in major destinations are in the resource panel of these training programmes.

34. With the technical assistance of the ILO, an operational manual for Labour Welfare Section was developed to streamline the services and functions of the Labour Section of the Diplomatic Missions. The Labour Welfare Officials are trained to follow the operation manual for speedy services.

35. In Bahrain, the Government and Embassy publicize such complaint procedures and mechanisms, through the dissemination of information. The Government continues to conduct awareness campaigns through pamphlets on foreign resident workers' rights in several languages. Also, there is a technological means of collecting and providing information to keep contact with migrant workers and welfare officers of the embassy.

9. Please explain the procedures established by the State party to monitor the situation of Sri Lankan migrant workers in detention centers and prisons across all host countries, and to ensure that they have effective access to justice and are not subject to physical and sexual abuse. In this context, please describe how the SLBFE, the Ministry of Foreign Employment (MFE), the Ministry of Foreign Affairs and Sri Lankan diplomatic missions coordinate their monitoring and protection activities.

36. Every Mission has a dedicated officer or officers to visit jails. For instance, Bahrain has taken steps to monitor detention centers, namely place of detention, condition of centers, living standards, safety and health condition of the detainees and their rights, surroundings of inmates, rehabilitation facilities and prevention of torture and ill-treatment.

37. Migrant workers in the detention centers are informed of the reasons of their arrest in a language they understand, provided with legal assistance if required, allowed to a make local/international call and given access to approach their embassies. Once Sri Lankans are taken into custody by host country authorities, they inform the Mission about the case and other details. The Mission is able to obtain the details of detainees of Sri Lankan migrant workers from the government authorities. Sometimes NOKs of the victim inform the SLBFE or Consular Section of the Ministry of Foreign Affairs about their situation.

38. Further, the officers make regular visits to jails under the guidance of the Head of Mission to obtain details of imprisoned workers. NGOs and Family members are granted permission to visit detention centers. The SLBFE provides necessary assistance when financial need for such cases is informed by respective Missions.

39. The inmates in jails & prisons are provided with 15 USD to facilitate communication with their family members when jails are visited by the Mission officers.

No. of Sri Lankans jailed

Year	*Male*	*Female*
2013	60	81
2014	70	95

No. of Sri Lankans arrested

Year	*Male*	*Female*
2013	89	106
2014	93	108

10. Please provide information on the mandate and activities of the National Human Rights Commission (NHRC) of Sri Lanka in promoting and protecting the rights of migrant workers and members of their families. In this regard, please also indicate the actions taken to ensure the independence of the NHRC, as recommended during the Universal Periodic Review in 2012.

40. The question that has been raised in the committee persuading report pertains to the mandate and activities of the National Human Rights Council of Sri Lanka in promoting and protecting the rights of migrant workers and members of their families. The state party has been asked to indicate the action taken to ensure the independence of the NHRC.

41. In this regard, it may be noted that the 19th amendment to the Sri Lankan Constitution, which created and strengthened a number of institutions to operate in an independent capacity, addressing subjects with their respective mandate, has also enhanced the independence and professionalism of the NHRC.

42. The addressing situation of inequality before law and discriminatory practices is a distinct function of the NHRC pursuant to its mandate. However, as of writing the NHRC has had to share with the state party the information on its activities in promoting and protecting the rights of migrant workers.

11. Please provide information on the existing complaint procedures and mechanisms in the State party and in Sri Lankan diplomatic missions through which Sri Lankan migrant workers or prospective migrant domestic workers and their families can seek redress if they are abused or exploited in the host countries or in Sri Lanka. Please elaborate on the measures taken to better publicize such mechanisms and services.

43. The SLBFE has a fully automated web based Complaint Management System (CMS) in respect of grievances related to foreign employment. The aggrieved parities can lodge their complaints to the SLBFE Head Office or to any decentralized regional offices. The sections 43 and 44 of the SLBFE Act have given power to the SLBFE to summon the parties concerned and to conduct inquiries on the complaints and grant redresses. The SLBFE has a separate division for conciliation of foreign employment disputes and it consists of 15 authorized conciliation officers to conduct inquiries and make decisions.

44. Apart from this division in the Head Office, the officers attached to the regional offices accept the complaints and register them in the web based online complaint management system. The conciliation officers have been armed with necessary facilities. The complaints of all migrant workers irrespective of their source of finding employment are registered for settlements. The SLBFE takes legal actions against errant parties if efforts for mutual settlements are failed.

45. The Consular Division of the Ministry of Foreign Affairs also handles complaints of Sri Lankan migrant workers especially complaints with regard to the workers who are imprisoned or in the custody of the Police and matters related to deaths.

46. The Labour Section attached to Sri Lankan Diplomatic Missions abroad accepts complaints directly from the workers. The Missions take actions according to the prevailing labour laws of those countries and keep close official relationships with the authorities there in finding settlements for such complaints. For instance, the Mission in Seoul, in addition to its grievance handling mechanism, runs mobile services in regions located out of Seoul for the benefit of the Sri Lankan workers who find it difficult to travel to Seoul for their consular and labour matters. The Consular section of this embassy conducted 13 mobile consular services during weekends and public holidays based on the demand of the Sri Lankan community living in different regions in 2015.

47. Some complaints are referred to the Head Office to take actions against the respective local recruitment agent. The Mission officers summon the foreign recruitment agents and their employers to the Mission for inquiries and to find mutual settlements before referring them to relevant authorities in host countries.

48. The actions taken by the SLBFE and the Diplomatic Missions abroad are updated in the web based complaint management system and as a result, the progress of the complaints can be monitored with timely information. Accordingly, complainants can be informed of the current status of their complaints.

49. Steps have been taken to create awareness among the migrant workers and their family members during the orientation sessions at pre-departure stage on compiaint mechanism. Apart from the above facilities, the NOK or migrant workers can lodge their complaints over the phone with the passport number or National Identity Card number to any Diplomatic Mission or to the 24-Hour-Call-Centre of the SLBFE. Further, a special investigation division has been launched to accept and settle complaints related to the pre-departure stage.

Table 3
Complaints received, number settled & compensation paid

Complaint Received & Settled/Closed - Conciliation Division

Year	*No. of Complaint Received*	*No. of Complaint Settled/Closed*	*Payment of Compensation*	
			No. of cases	*Amount Paid LK Rs*
2011	9,181	9,153	555	16,550,219.00
2012	9,030	8,055	312	7,199,855.00
2013	9,231	8,447	447	21,608,238.00
2014	7,213	6,577	434	20,677,805.00
2015 (up to 31-03-2015)	2,629	2,306	84	4,791,400.00

Source: SLBFE. Please see attachment 06.

50. In order to identify the gaps of the conciliation process, a study was conducted by the ILO and then a report was published in 2013 on "Strengthening grievances and complaint handling mechanisms to address migrant worker grievances in Sri Lanka". Based on the recommendations of the report, a capacity building program was conducted by the SLBFE with the technical support of the ILO.

12. With reference to the Workmen's Compensation (Amendment) Act, No. 10 of 2005, which increased the maximum amount of compensation from 250,000 SLRs to 500,000 SLRs, please clarify whether all migrant workers, including foreign migrant workers benefit from the Workmen's Compensation Ordinance, and if so, please provide the number of workers compensated under this Ordinance, including migrant domestic workers.

51. The provisions of the Workmen's Compensation Ordinance are applied to all workers engaged in economic activities within the country irrespective of their nationality. The Sri Lankans migrating to other countries for work are not covered by this Ordinance because their employers are not Sri Lankan residence.

B. Part III of the Convention

Article 10 and 11

14. Please provide information on the measures taken to protect migrant women and children, especially those in irregular situations, from economic and sexual exploitation and other forms of abuse, including trafficking into forced labour, debt bondage and situations of captivity, during the recruitment stage as well as while working in the destination countries.

52. The SLBFE and the Ministry of Foreign Employment have signed MOUs/ Bilateral agreements with several destination countries on manpower recruitment to ensure the welfare and protection of the migrant workers.

53. The SLBFE has established a special Investigation Division to address the issues of exploitation of migrant workers at the recruitment process. This Division is empowered to take legal action against wrong doers. Annually, SLBFE entertains more than 3,000 cases in connection with the exploitation of migrant workers.

54. In the area of combating human trafficking, the SLBFE is implementing various awareness programs for the SLBFE staff and public officers on the areas of exploitation within the recruitment process. The purpose of these programs is to prevent and investigate cases of trafficking in persons for which the prospective job seekers are vulnerable.

55. In terms of protection of women migrant workers and their underage children, a special program is being implemented by the Ministry of Foreign Employment with the SLBFE to obtain a "Family Background Report" (FBR) before their departure. Based on the information given in the report, the SLBFE decides as to whether the absence of mother of the family will lead to the exploitation of the children left behind and accordingly guidance / counseling programmes are conducted. This ensures protection of the rights of children of the migrant workers.

56. In order to address the issues of the families of migrant workers, the Ministry has now launched a system under the theme "Shamika Surekuma", meaning "Migrants Protection". Under this program, a migrant worker profile is prepared with the family details including the needs of children and finally a database is created to identify their welfare and protection needs. The initial registration under this system has already been completed through the 331 Divisional Secretariats in the country.

57. A National Return & Reintegration Policy has been developed with the assistance of the ILO and the policy document was officially launched in November 2015 with the participation of all Government & Civil Society representatives. A special reintegration unit is established in the SLBFE to implement the policy.

58. With a view to ensure the rights of the workers to know the terms and conditions of employment, the SLBFE has paid special focus on "implementing a single contract system" (a service contract originated in the country of employment). At the last meeting of the "Colombo Process" held in Colombo Nov. 2015, Sri Lanka stressed the importance of introducing a common contract for all labour sending countries in respect of female domestic employees.

Article 16 and 25

15. **In the wake of the execution of Rizana Nafeek, a Sri Lankan domestic worker, in January 2013, and regular reports of exploitation and abuse against Sri Lankan migrant domestic workers in host countries, particularly in Saudi Arabia and other countries in the Middle East, please provide detailed information on the measures taken by the State party to ensure a comprehensive response to these individual cases, particularly by:**

(a) The Kafala System has been identified as one of the main reason that increases the vulnerability of the low-skilled labour. Therefore, Sri Lanka joins with the countries to whom this system is applicable to request the countries of Destination to remove the system. It was discussed at the most of the international forums and also at the meetings of the Colombo Process. Intervention of the right based International Organizations is very essential in such negotiations to assist the Countries of Origin.

(b) Sri Lanka has signed MOUs and Bi-lateral Agreements with several major destinations especially in the Gulf to protect the rights and welfare of the migrant workers. In December 2013 with the assistance of the UN, Women Sri Lanka hosted a regional workshop with the participation of several Gulf countries on the "Standard Employment Contract for Female Domestic Workers" to initiate a dialogue between COO and COD.

(c) The SLBFE conducts awareness programs to its staff and also to the staff deployed to the Sri Lankan Missions abroad to sensitize them on gender issues and other related migrant issues. The SLBFE takes supports from ILO too in this regard. The officers deployed to Diplomatic Missions have to undergo a training program prior to their assignments abroad and it includes special sessions on gender issues. Also they are given awareness on consular assistance as well.

(d) All the migrant workers and family members are provided with information on all the services of the SLBFE and the services of the Labour Section of the Diplomatic Missions during the pre-departure training, in addition to other public awareness programs.

(e) The SLBFE conducts several programs Island wide on safe & planned migration with international partners such as ILO, IOM & SDC and local project partners in Sri Lanka. In addition, labour welfare officials in the Diplomatic Missions are made aware of the availability of International partner networks/trade union networks working on migration to obtain their assistance when need arises.

16. **In light of the concerns and recommendations issued by the Committee on Economic, Social and Cultural Rights (E/C.12/LKA/CO/2-4, para. 21), the Committee on the Rights of the Child (CRC/C/LKA/CO/3-4, paras. 44-45) and the Committee on the Elimination of Discrimination against Women (CEDAW/C/LKA/CO/7, para. 35), please indicate the measures taken to increase and ensure equal employment opportunities for prospective Sri Lankan women migrant workers within the State party with guarantees of equal remuneration, including through temporary special measures aimed at eliminating both horizontal and vertical occupational segregation.**

59. The constitution has guaranteed equality for women and prohibition of discrimination on the ground of sex and therefore there are no legal barriers for women to enter into employment fields.

60. In respect of the elimination of discrimination against women, the Ministry of Labour and Trade Union Relations enforces relevant legislations effectively and efficiently as much as possible. For example, no discrimination is based on gender in determining minimum wages under the Wages Board Ordinance. The discussions are taking place to amend the relevant legislation to allow females to work at night particularly in the

Knowledge Processes Outsourcing (KPO) and Business Processes Outsourcing (BPO) industries.

61. There is no discrimination against women seeking employment abroad. Demand for women workers from several destinations is lower than male workers.

17. **In light of the Committee's previous concluding observations with regard to programmes and training (CMW/C/LKA/CO/1, paras. 12 and 24), please provide information on the efforts made by the State party to publicize the provisions of the Convention to migrant workers and their families. Please also indicate the measures taken to ensure that professionals working with or for migrants, in particular public officials, such as border police officers, immigration officials, embassy and consulate officials, social workers, judges, prosecutors and relevant Government officials are adequately and systematically trained on the Convention and migrants' rights.**

62. The SLBFE & the Ministry on behalf of the state provide required training for all the officials involved in catering services to the migrant workers locally and abroad on International Conventions to make them aware of the international instruments on Labour Migration. Especially the Police officers, Diplomatic Mission officers and relevant Government officers are given the necessary awareness and these programs are assisted by the ILO as well.

C. Part IV of the Convention

Article 26 and 40

18. **Please provide information on the measures taken to guarantee and protect the right to peaceful assembly and association and freedom to form and join trade unions for migrant workers and members of their families, in accordance with articles 26 and 40 of the Convention (CMW/C/LKA/CO/1, para. 26).**

63. Unless the countries of destination accommodate the right to join trade unions for migrant workers, Sri Lanka is unable to proceed. However, within the country, the SLBFE facilitates returning migrants and their family members to join together to form associations for their economic and social benefits under the proposed sub policy on return and reintegration.

Article 41

19. **Please provide information on the steps taken by the State party to ensure that Sri Lankan migrants working abroad have the possibility to register, vote and be elected in elections in Sri Lanka (CMW/C/LKA/CO/1, para. 34).**

64. There is no provision in our electoral rules where migrant workers could exercise their franchise. Pursuant to the electoral rules, the presence of a voter in a polling station is a must. Thus, there are practical problems in granting their fundamental rights while they are working abroad.

65. With the introduction of emerging technology, the Department of Election with the support of Ministry of Foreign Affairs is working to create an appropriate mechanism in this regard.

D. Part VI of the Convention

Article 65

20. Please provide information on the efforts made to enhance the pre-departure training programme for Sri Lankan workers, particularly for migrant domestic workers. In this regard, please indicate if such programs include detailed information about mechanisms for redress and for lodging complaints against recruitment agents, subagents and/or other intermediaries who violate the law.

66. The SLBFE has introduced a training system for them, namely Level 3 qualification of National Vocational Qualification (NVQ) for domestic housekeeping assistants while improving the other pre-departure training programs including orientation for non-domestic sector. The NVQ level 3 training & other training programs include a common competency module & safe migration module which covers all aspects of labour migration. Basic language training is also included in all training courses in respect of destination country.

67. The SLBFE conducts following training programs for prospective migrant workers.

- Middle East: Domestic House Keeping Assistant (Sinhala/Tamil Medium) (40 Days & 07 Days)
- Cyprus: House Keeping Assistant & Care Giving (30 Days)
- Israel: Care Giving (30 Days)
- Italy: Care Giving (20 Days)
- Singapore/Hong Kong: House Keeping Assistant & Care Giving (30 Days)
- Middle East Literacy Training Course: (Sinhala/Tamil medium) (18 Days)
- Other than Domestic for Middle East: (Male/Female) (5 Days)

68. Following modules are included in NVQ level 3 training program.

- Clean ceiling walls & floors
- Clean furniture & furnishings
- Clean rooms & bathrooms
- Carry out laundry activities
- Preparing meals & beverages
- Serve food & beverages

69. Complaint lodging system against local recruiters and foreign agents/sponsors are included in that safe migration training module in addition to the required vocational training modules.

21. Please indicate whether the State party has carried out a comprehensive assessment to identify the causes of high female labour migration and the physical, psychological and social impact of migration on the rights and well-being of children and families left behind, as well as of the women themselves. Please also describe the progress made in developing and implementing strategies, policies and programmes, in collaboration with NGOs, to ensure that the rights of migrant workers' children left behind in the home country are protected.

70. The anecdotal information and independent research findings have been obtained by the SLBFE with the view of launching a comprehensive program Island wide to reduce the social cost of labour migration.

71. As to whether Sri Lanka faces high female migrant workers going abroad has given a different picture. Due the social costs involved, especially to children of these female migrant workers, Sri Lanka currently experiences, an increase of departure of male migrant workers (21.45% in 2013) and a decrease in departure of female migrant workers by 14.64 in 2013. It has also been found that departure of housemaids (unskilled) has also decreased by 18.55% in 2013.

72. In order to address the negative impact of mother's migration such as the problems faced by individual families in the absence of the mother, the SLBFE has launched a mandatory training program for prospective female migrant workers prior to departure. Also, "The family day program" has been launched to advice the spouses and caretakers of the children on the rights of children.

73. The Ministry of Foreign Employment & SLBFE together conduct an individual family visit to prepare the family background report (FBR) on female migrant workers which paves the way for ensuring proper protection for children through developing an alternative care-plan for left behind children. With this exercise, the state authorities such as the Ministry of Health, Ministry of Women and Children and Ministry of Education can have a good understanding about the individual family to introduce family specific programs in a coordinated manner.

74. The Development Officers deployed by the Ministry for each Divisional Secretariat are engaged with this mandatory exercise to promote safe, planned and family friendly migration. Comprehensive assessments with evidences are gathered by the Development Officers through their family visits. NGOs and INGOs are also conducting their field works with the state mechanism. The important fact of this process is that families are educated to get a collective decision on labour migration with informed choice.

75. The Ministry of Foreign Employment has introduced a minimum age for female domestic workers according to special conditions observed in countries and regions and also to direct the young female school leavers for suitable vocational training instead of going abroad as unskilled labour.

76. The new minimum age levels are as follows.

- KSA: 25 years
- Other Gulf countries: 23 years
- Rest of the countries: 21 years

77. The Ministry of Foreign Employment started new monitoring mechanism with the help of Development Officers deployed at the DS level to look after the families of migrant workers. The Monitoring Unit has established at this Ministry for this purpose of planned migration. Through this exercise, the 331 DOs cover all the important aspects of pre-migration and return & reintegration and look into education, protection and psycho social aspects of children of the migrant workers.

78. During 2014 & 2015, the DOs reached more than 153,000 families of female migrant workers and did lot of interventions at the family level for the protection and welfare of left behind children.

Article 66 and 68

22. Please provide information on the measures taken, including legislation, to strengthen regulation and rigorous monitoring of labour agencies and sub agencies to protect migrant workers and prospective migrant workers, both in the State party and after their arrival in the host countries. Please also describe the criminal and civil penalties against recruitment agencies and sub agencies found to be violating regulations, including falsification of documents, recruitment of children, charging excessive recruitment fees, and dissemination of inaccurate information relating to emigration and immigration.

79. Sri Lanka has established a rating system for licensed recruitment agencies to prevent abuses. Association of Licensed Foreign Employment Agents (ALFEA) has taken moves to ensure and enforce best ethical practices for Foreign Employment Trade by strict disciplinary control.

80. An important amendment was passed in 2009 as No. 56 of the SLBFE Act No. 21 of 1985 gives power to arrest any illegal recruiters without a court order. The Special Investigation Division in the SLBFE has been strengthened by employing Police officers including Chief Inspectors and Sub Inspectors of Sri Lankan Police.

81. Based on information received from public, the officers of the Investigation Division conduct sudden raids and arrest sub agents and passport collectors/carriers working as intermediaries. In 2014, 125 were arrested and punished. During the 1st quarter of 2015, more than 30 middle men/intermediaries and more than 100 travellers without valid agreements and employment visas had been arrested and prevented from going abroad in search of employment.

23. Please provide information for the period 2010 to 2013 on:

(a) The number of complaints, including pre-departure complaints from migrant workers and prospective migrant workers, received by:

(i) The Sri Lanka Bureau of Foreign Employment (SLBFE);

(ii) The National Human Rights Commission (NHRC) of Sri Lanka against recruiting agencies and sub agencies;

(b) The number of recruitment agencies and sub agencies found responsible for abuse of migrant workers as well as the nature of penalties, including suspension and cancellation of license, imposed for such abuse and misconduct.

82. Information on complaints received during the period 2012/2014 are presented as follows.

Table 4
Information on complaints received during the period 2012/2014

Complaints	*2012*	*2013*	*2014*
No. of complaints received against licensed agents	3,272	3,085	2,473
No. of complaint received against illegal agents	616	460	574
No. of complaints settled	3,614	2,774	1,471
Referred to the Legal Division for prosecution	133	316	792
Raids conducted against illegal recruitments	136	115	76

Complaints	*2012*	*2013*	*2014*
No. of agencies cancelled (on requests of licensee)	20	14	15
No. of agencies cancelled by SLBFE	01	03	01

Source: SLBFE.

24. Please provide detailed information on the phenomena of human trafficking and human smuggling in the State party. Please also elaborate on the steps taken to combat all forms of trafficking in persons, particularly women and children, including through increased international, regional and bilateral cooperation with countries of transit and destination, and prosecution of individuals involved in trafficking.

83. The SLBFE officers attached to the counter in the departure lounge at the Katunayake International Airport monitor the workers leaving the country to ascertain whether they have obtained the registration with the SLBFE in compliance with the Act. It detects workers who attempt to leave the country through illegal sources and takes action to make them aware of the danger of going abroad through such sources. Also it takes actions against the parties involved in such recruitments. The SLBFE provides training and orientation on safe migration for the prospective migrant workers.

84. A Standard Operating Procedures (SOP) was developed by the Task Force to increase identification, referral and protection of victims of human trafficking with the technical support of the IOM. It has been approved by the Cabinet Office and was launched in March 2015.

85. Establishment of the first government shelter for women victims of human trafficking was identified as an urgent need by the shelter in 2012 and the shelter is now fully functional. The ministry of Women Affairs under the direct supervision of the Task Force developed shelter guidelines and the shelter staff were provided with comprehensive training.

86. The Task force also supervises the member institutions in conducting awareness programs on human trafficking for the general public and state officials. These capacity building programmes were conducted for the officials of the Sri Lanka Bureau of Foreign Employment in June 2015. The department of Immigration and Emigration has been provided with comprehensive training on human trafficking and a specific training curriculum developed for its training usage.

87. The Task Force has given special focus in conducting capacity building training programmes for the Sri Lanka Police Department in order to ensure that victims of human trafficking are properly identified and possible cases of human trafficking thoroughly investigated to conduct a successful prosecution.

88. A comprehensive curriculum for the Sri Lanka Police was developed on human trafficking and how to conduct effective investigations. This has been incorporated into the Police Academy and Police Colleagues syllabus.

89. 73 officers of the Children and Women Bureau of the Sri Lankan Police Department were trained on human trafficking this year as part of continuation of training programme for the police in March 2015.

90. Sri Lanka is an active member of the Bali Process. The Regional Support Office (RSO) of the Bali Process has been established by the Bali Process membership to support and strengthen practical cooperation on refugee protection and international migration including human trafficking and smuggling and other components of migration management in the Asia-Pacific region. The RSO in collaboration with the Task Force

launched "Policy Guides on Criminalizing Trafficking in Persons and Migrant Smuggling" developed by a Drafting Committee in October 2014 at the Ministry of Justice.

91. With a view at streamlining the anti-human trafficking efforts, the Task Force has developed a 5 year (2015-1019) strategic Plan to monitor and combat Human Trafficking in Sri Lanka and it has been approved by the Cabinet of Ministers.

92. In addition, recognizing the need for an urgent and collective cooperation, Sri Lanka adopted a Bali Declaration on People Smuggling, Trafficking in Persons and related transnational crimes to reinforce their commitment to tackling these complex challenges. Sri Lanka with the help of Australia has taken efforts to implement harsh border policies to stop boat people leaving from its waters.

Article 67

25. In light of the Committee's previous recommendations (CMW/C/LKA/CO/1, para. 46), please indicate the steps taken by the State party to:

(a) Improve the reintegration of migrant workers and members of their families, including women migrant workers, through guarantees of equal employment opportunities;

93. The SLBFE recruits workers for South Korea and Israel through government-to-government arrangements and the licensed recruitment agents do other recruitments related to migrant workers.

94. The Ministry of Foreign Employment has initiated the registration of migrant workers Island wide through 331 Divisional Secretariats including family members to identify their needs and assist accordingly. The identified families can be assisted under the program on the Return and Reintegration Policy.

95. The National Labour Migration Policy (NLMP) gives direction to the holistic and comprehensive management of migration in Sri Lanka and emphasizes the necessity of a comprehensive return and re-integration plan to cover all processes and areas of re-integration of returnee migrants.

(b) Strengthen dissemination of information on SLBFE's Workers Welfare Fund and its insurance scheme to migrant workers and prospective migrant workers.

In this regard, please also indicate how the SLBFE operates and coordinates its activities with other relevant institutions to promote the voluntary return and reintegration of Sri Lankan migrant workers, as well as provide information on the budget allocated to the SLBFE for repatriation and reintegration of migrant workers.

96. The SLBFE makes prospective migrant workers aware of the services of the SLBFE including Workers Welfare Fund and benefits of the free insurance coverage are provided to all registered migrant workers. Subject matters such as repatriation and return and reintegration are addressed during the pre-departure training programs and the public awareness programs.

26. Please describe the procedure and mechanism for the repatriation of Sri Lankan migrant workers to Sri Lanka, and indicate if bilateral or multilateral agreements facilitate voluntary return and reintegration of migrant workers.

97. In 2004, Sri Lanka entered into agreement with the EU to establish a National Coordinating Committee on Readmission (NCCR). This agreement is an indication of the commitment of both parties to effectively combat illegal migration, including human

trafficking and related criminal activities and to establish streamlined procedures for the safe and orderly return of persons who do not satisfy the criteria to remain on the territories of Sri Lanka or the EU member countries.

III. Additional Information

27. Please provide updated statistical data, disaggregated by age, geographic location, and socio-economic status, for the period 2010 to 2013 on:

(a) The number of women and girls migrating to countries in the Middle East;

(b) The number women and girls migrating to other countries;

98. Departures for foreign employment by country of employment & sex (Attachments 01 to 04).

(c) The reported number and nature of allegations of abuse against migrant domestic workers in host countries;

99. Given in the attachment 07.

(e) Number of deaths of migrant workers.

100. Given in the attachment 08.

28. Please provide any additional information on measures adopted since the Committee's consideration of the State party's initial report in 2009 to implement the Convention and the Committee's previous concluding observations, including relevant disaggregated statistical data, as well as information on any other important developments in the State party relating to the provisions of the Convention.

29. Please also provide information on the steps taken to widely disseminate the previous concluding observations to the general public, Government agencies, Parliament, the judiciary, immigration authorities, Sri Lankan Embassies and Consulates, Non-governing organizations and other members of civil society and to take steps to make them known to Sri Lankan migrants abroad and foreign migrant workers residing or in transit in the State party.

101. The Ministry of Foreign Employment has taken steps to revise the existing legislation on Labour migration, the SLBFE Act No. 21 of 1985 in line with International Conventions and the recent developments in migration management in order to streamline the migration process. For this purpose, ongoing discussions are being held with relevant stakeholders to obtain their views and observations.